

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**MICHAEL L. GENGLER**  
Petitioner,

v.

**Case No. 10-C-0245**

**DANIEL J. TRAWICKI, Sheriff,**  
Waukesha County  
Respondent.

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**ORDER**

On March 31, 2010, Michael Gengler filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. On May 7, 2010, I denied his petition for failure to exhaust state remedies. Petitioner has since filed a motion for reconsideration, arguing that the state court's failure to rule on his motion for habeas relief for four weeks caused him to refrain from filing his notice of intent to pursue post-conviction relief. However, whether this is true or not, the fact remains that petitioner has not yet exhausted his state remedies, and therefore I may not consider his habeas petition at this time.

**THEREFORE, IT IS ORDERED** that petitioner's motion for reconsideration is **DENIED**.

**IT IS FURTHER ORDERED** that petitioner's motion for immediate determination is **DENIED**.

Dated at Milwaukee, Wisconsin, this 11 day of June, 2010.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge